

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

As requested, the Abstract and specification have been reviewed and amended above so as to put them in more typical U.S. format.

In response to the various rejections of certain claims under 35 U.S.C. §112, second paragraph, the claims have been amended above so as to obviate the Examiner's stated grounds of objection or concern except with respect to claims 13 and 14 where the Examiner has questioned how the packet message priority setting is "on a scale of n to m" while the source sends "sequences of m - n+1 packet messages." This is thought to be a self-evident tautology. For example, assuming that n equals 5 and m equals 10, it will be observed that there are 6 integers starting with n and ending with m. If one then evaluates the formula m - n+1, one comes up with $10 - 5 + 1 = 6$. If the Examiner knows of any reason the formulation set forth at claims 13 and 14 is mathematically erroneous, then it is respectfully requested that the details of such mathematical analysis be set forth.

The rejection of claims 1, 10, 12 and 15 under 35 U.S.C. §103 as allegedly being made "obvious" based on Kilkki '326 in view of Kari '682 is respectfully traversed.

As the Examiner has already recognized, the primary Kilkki reference does not disclose any cyclic sequence maximizing, for each label in the sequence, the number of consecutive lower priority labels between that label and the nearest label in the sequence of equal or higher priority. In view of this admission, the further possible deficiencies of the primary reference will not be further considered in the present response -- because the secondary Kari reference clearly fails to supply the admitted deficiency of Kilkki.

In fact, the sequence shown in Kari is very different from that envisaged in the present specification. Firstly, the sequence used in Applicants' specification uses each label just once per cycle. The example given on page 7 of the specification uses priorities in the order 0,7,2,4,1,6,3,5. The Kari reference uses a cycle in which different priorities are allowed to cycle at different rates and every second priority is the highest priority (4,3,4,2,4,3,4,1,4,3,4,2,4,3,4 etc.).

The number of consecutive lower priority labels between any given label and the nearest label of equal or higher priority is not maximized in the Kari reference. In fact, it is always either 1 (if the label specified is the priority 4 label) or zero otherwise.

The criterion specified in Applicants' claims cannot be met for all labels in the Kari arrangement, since by maximizing the distance between the highest priority (P4 labels in Kari) one is required to minimize the gap between other labels. It would be possible to create a greater gap between a given label e.g., the first P3 label and the next label of the same or higher priority by inserting all the P1 and P2 labels in between the first two P3 labels. However, this would reduce the gap between others.

The rejection of claim 2 under 35 U.S.C. §103 as allegedly being made "obvious" based on Kilkki '326 in view of Kari '682 and in further view of Wilkinson et al. '478 is also respectfully traversed.

Not only is this a more complicated and hindsight-selective three-way combination of references, none of the cited references supply the deficiencies already noted above with respect to Kari. Accordingly, it is not believed necessary at this time to detail the further deficiencies of this ground of rejection.

The rejection of claims 3 and 16 under 35 U.S.C. §103 as allegedly being made “obvious” based on yet a different three-way combination of references Kilkki/Kari and further in view of Yoshida ‘468 is similarly respectfully traversed. Once again, in view of the fundamental deficiencies of Kari (which are not supplied by Yoshida), it is not believed necessary to discuss the further deficiencies of this ground of rejection at this time.

The rejection of claims 4 and 17 under 35 U.S.C. §103 as allegedly being made “obvious” over a still more complicated four-way selective hindsight-stimulated combination of references Kilkki/Kari/Yoshida and further in view of Murase ‘994 is also respectfully traversed -- for the same reasons as given above with respect to the critical deficiencies of at least Kari.

The rejection of claims 5, 9, 11, 13 and 14 under 35 U.S.C. §103 as allegedly being made “obvious” over the three-way combination of Kilkki/Kari and further in view of Davie ‘845 is also respectfully traversed. Again, as above, there are at least critical deficiencies of Kari that are not supplied by any of the other cited prior art. Accordingly, it is not necessary to discuss the further deficiencies of this ground of rejection at this time.

The rejection of claim 6 under 35 U.S.C. §103 based on Kilkki/Davie and Rosen ‘861 is also respectfully traversed.

Claim 6 depends from claim 5 -- which the Examiner has only rejected based on a three-way combination including Kari. Presumably, the Examiner has merely neglected to include Kari in this ground of rejection through error. In any event, none of the cited references teach or suggest the admitted critical deficiency of the primary Kilkki reference already discussed above with respect to parent claims 5 and 1 (e.g., see the Examiner’s admission of this deficiency in the lower half of page 4 in the outstanding Office Action with respect to parent claim 1).

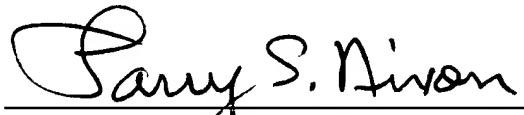
Accordingly, it is not believed necessary to discuss the further deficiencies of this ground of rejection at this time.

The indication of allowable subject matter of dependent claims 7 and 8 is appreciatively noted.

Accordingly, this entire application is now believed to be in allowable condition and a formal notice to that effect is respectfully solicited.

Respectfully submitted,

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